

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AIMEE HICKMAN, JARED HICKMAN,
WILLIAM TREASURER, KELLY
DROGOWSKI, AND FRANK
DROGOWSKI, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and
SUBARU CORPORATION f/k/a FUJI
HEAVY INDUSTRIES, LTD.

Defendants.

Civil Action No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs Aimee and Jared Hickman, William Treasurer, and Kelly and Frank Drogowski (“Plaintiffs”) bring this action for themselves and on behalf of all persons in the United States who purchased or leased any 2019 to present Subaru Ascent (the “Class Vehicles”) against Subaru of America, Inc. (“SOA”) and Subaru Corporation f/k/a Fuji Heavy Industries, Ltd. (“Subaru Corp.”) (together, “Defendants” or “Subaru”). The allegations herein are based on personal knowledge as to Plaintiffs’ own conduct and are made on the basis of an investigation by counsel.

INTRODUCTION

1. Defendants manufactured, marketed, distributed, and sold 2019 to present Subaru Ascent vehicles without disclosing the existence of a serious transmission defect that jeopardizes the safety of Class Vehicle drivers, passengers, and other drivers.

2. Prior to the production of the first Subaru Ascent, Subaru was already well aware of the problems with its TR690 transmission, a type of Continuously Variable Transmission (“CVT”), which it first began to use in its vehicles over a decade ago. Beginning in 2011, if not before, Defendants knew that the transmissions later installed in the Class Vehicles contain one or more defects in the design, workmanship, and/or manufacturing of the transmission that causes hesitation, jerking, shuddering, lurching, squeaking, whining, or other loud noises, delays in acceleration, inconsistent shifting, stalling, and a loss of power or ability to accelerate at all (“Transmission Defect” or “Defect”). The Defect can damage the transmission itself, as well as affect the vehicle’s alignment, putting unnecessary stress on the tires and brakes, causing premature wear and replacement, and in the most extreme cases, can even cause damage to the engine.

3. The TR690 has long history of issues, often the result of material and workmanship defects, and Subaru has issued many service bulletins and service campaigns related to these defects. The TR690 was originally designed for use in smaller, lighter cars. Discovery will show that in their rush to put a full-size SUV onto the market, a car segment in which they previously had no vehicles, Defendants did not fully account for the differences in the shape, size, and weight of the Ascent. In fact, the build quality of the 2019 Ascent is so poor that it has been subject to 5 separate recalls, including a transmission recall.

4. While Subaru touted the “re-designed” TR690 that was installed in Class Vehicles, discovery will show the redesign of the TR690 was extremely limited and mostly consisted of adding a feature called “X-MODE,” described *infra*.

5. The Transmission Defect presents a safety hazard because it severely affects the driver's ability to control the car's speed, acceleration, and deceleration. For example, it can be difficult for Class Vehicles move smoothly through intersections and other commonplace driving situations such as entering and exiting highways, changing lanes, and even controlling speed on inclines and declines in the road.

6. Defendants failed to disclose these material facts and safety concerns to purchasers and lessees of the Class Vehicles.

7. The Class Vehicles share the same transmission, the TR690, and related components.

8. One such complaint involving a 2020 Subaru Ascent was reported to the National Highway Transportation Safety Authority ("NHTSA") on December 13, 2020 as follows:

2800 MILES ON VEHICLE. TODAY LOST POWER TWICE GOING UP STEEP HILL (ELECTRICAL FUNCTIONS STILL INTACT, WAS ACCELERATING UPHILL AND WAS SIMILAR TO SHIFTING INTO NEUTRAL THEN RE-ACCELERATED AFTER 10-15 SECONDS, DRIVING APPROX 30MPH). NARROWLY AVOIDED COLLISION DUE TO SLIPPERY ROAD, DID BRIEFLY ROLL BACKWARDS BEFORE BRAKING. NOT SURE I WILL EVER BE WILLING TO PUT MY KIDS BACK IN THIS NEARLY-NEW VEHICLE.¹

¹<https://www.nhtsa.gov/vehicle/2020/SUBARU/ASCENT/SUV/AWD#complaints> (last accessed January 27, 2021).

9. Defendants knew the Class Vehicles were defective and not fit for their intended purpose of providing consumers with safe and reliable transportation at the time of sale or lease and thereafter. Defendants have failed to disclose the true nature and extent of the Transmission Defect to Plaintiffs and the other Class Members, and actively concealed it from them, at the time of purchase or lease and thereafter. Had Plaintiffs and prospective Class Members known about the Transmission Defect, they would not have purchased or leased the Class Vehicles, or would have paid less for them.

10. Despite notice of the Transmission Defect from, among other sources, pre-production testing, numerous consumer complaints, warranty data, and dealership repair orders, Defendants have not recalled all the Class Vehicles to repair the Defect, have not offered its customers a suitable repair or replacement free of charge, and have not offered to reimburse all Class Vehicle owners and leaseholders the costs they incurred relating to diagnosing and repairing the Transmission Defect.

11. In fact, Subaru knew of and concealed the Transmission Defect that plagues every Class Vehicle, along with the attendant dangerous safety problems and associated repair costs, from Plaintiffs and the other Class Members both at the time of sale and repair and thereafter. As a result of their reliance on Defendants' omissions and/or misrepresentations, owners and/or lessees of the Class Vehicles have suffered ascertainable loss of money, property, and/or loss in value of their Class Vehicles.

12. Subaru, in fact, refuses to acknowledge the Defect exists. In an effort to conceal the Defect, Subaru has instructed its corporate representatives and

authorized dealers to say that the vehicles are functioning normally and their drivers are merely inexperienced with the feeling of CVT shifting or that the vehicles are “getting to know them” when owners or lessees who experienced the Defect complain. Oftentimes, owners and lessees trade in or sell their Class Vehicles because they are afraid to drive them, but cannot afford to simply purchase another vehicle without selling their defective Class Vehicles.

JURISDICTION AND VENUE

13. This Court has original diversity jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) ("CAFA"). Plaintiffs and many members of the Class are citizens of states different from Defendants' home state, the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and there are more than 100 members in the proposed Class and Classes.

14. This Court has personal jurisdiction over Plaintiffs because Plaintiffs submit to the Court's jurisdiction. This Court has personal jurisdiction over Defendants because SOA has its principal place of business and headquarters in this District; Subaru conducts substantial business in this District through SOA and significant conduct involving Defendants giving rise to the Complaint took place in this District.

15. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District, SOA has its principal place of business and regularly conducts business in this District, and SOA is a resident of this District under 28 U.S.C. § 1391(c)(2) and subject to personal jurisdiction in this District.

PARTIES

16. Plaintiffs Aimee and Jared Hickman are citizens of and domiciled in the state of Maryland. In or around June 2020, the Hickmans purchased a new 2020 Subaru Ascent from Heritage Subaru Owings Mills (“Heritage Subaru”), an authorized Subaru dealership located in Owings Mills, Maryland.

17. The Hickmans purchased their vehicle primarily for personal, family, or household use.

18. Passenger safety and reliability were primary factors in the Hickmans’ decision to purchase their vehicle. The Hickmans researched the Ascent on the internet, by “Googling” the vehicle and visiting Subaru’s website, as well as that of the dealership. They also reviewed the window sticker (the “Monroney” sticker), and test drove a 2020 Ascent prior to purchase. Additionally, they spoke with the salesperson at Heritage Subaru, who told them that Subaru was “the most reliable brand on the road” and that more Subaru vehicles than any other brand were still on the road after ten years. Subaru could have and should have disclosed the Defect through each of these media and venues, but did not.

19. Had Subaru disclosed the Transmission Defect before the Hickmans purchased their vehicle, the Hickmans would have seen such disclosures and been aware of them. Indeed, Subaru’s misstatements and omissions were material to the Hickmans. Like all members of the Class, the Hickmans would not have purchased their Class Vehicle, or would have paid less for the vehicle, had they known of the Transmission Defect.

20. In addition, at the time the Hickmans purchased their vehicle, and in purchasing their vehicle, they relied upon representations from Subaru and its authorized dealership that they saw during their internet research and heard from the salesperson at the dealership that the vehicle was fully functional, safe, durable, reliable, and/or the transmission operated correctly and effectively. The Hickmans relied on those representations, and the omission of a disclosure of the Transmission Defect, in purchasing the vehicle, and absent these representations and omissions, would not have purchased the vehicle or would have paid less for it.

21. In or around November 2020, Aimee Hickman felt her vehicle shudder as she drove up a hill and that the transmission was slipping. At the same time, the engine would rev heavily. This occurred repeatedly as she drove up hills, and occasionally her vehicle would lurch back and forth as well.

22. Aimee Hickman has also experienced the shudder, slipping, lurching, and engine revving at lower speeds, and once, on the freeway.

23. On or about January 27, 2021, with approximately 11,600 miles on the odometer, Aimee Hickman took her vehicle to Heritage Subaru and complained about the transmission. The dealership informed her that there were no error codes and that there must be something wrong with way she drove the vehicle instead that caused the problem. No repairs were even attempted.

24. The Hickmans continue to experience the slipping, lurching, and shuddering of the transmission in their vehicle, often on a daily basis because they live on a hill, and experience these symptoms of the Defect frequently.

25. At all times, the Hickmans, like all Class Members, have attempted to drive their vehicle in a foreseeable manner and in the manner in which it was intended to be used.

Plaintiff William Treasurer

26. Plaintiff William Treasurer is a citizen of and domiciled in North Carolina. On or around November 2, 2018, Treasurer purchased a new 2019 Subaru Ascent from Prestige Subaru, an authorized Subaru dealership located in Asheville, North Carolina.

27. Treasurer purchased his vehicle primarily for personal, family, or household use.

28. Passenger safety and reliability were primary factors in Treasurer's decision to purchase his vehicle. Treasurer researched the Ascent on the internet, by "Googling" the vehicle, and read an article about the Ascent. He also reviewed the window sticker (the "Monroney" sticker) and test drove a 2019 Ascent prior to purchase. Subaru could have and should have disclosed the Defect through each of these media and venues, but did not.

29. Had Subaru disclosed the Transmission Defect before Treasurer purchased his vehicle, he would have seen such disclosures and been aware of them. Indeed, Subaru's misstatements and omissions were material to Treasurer. Like all members of the Class, Treasurer would not have purchased his Class Vehicle, or would have paid less for the vehicle, had he known of the Transmission Defect.

30. In addition, at the time Treasurer purchased his vehicle, and in purchasing his vehicle, he relied upon representations from Subaru and its authorized

dealership that he saw during his internet research and heard in his conversations with the salesperson at the dealership that the vehicle was fully functional, safe, durable, reliable, and/or the transmission operated correctly and effectively. Treasurer relied on those representations, and the omission of a disclosure of the Transmission Defect, in purchasing the vehicle, and absent these representations and omissions, would not have purchased the vehicle or would have paid less for it.

31. On or about July 31, 2020, Treasurer took his vehicle to Prestige Subaru so that multiple recalls could be performed, including a fuel pump replacement, a software update to the Engine Control Module (“ECM”), and a reprogramming of the TCM for his transmission. The transmission recall also included a check for Diagnostic Trouble Codes (“DTCs”) and a stall test of the transmission. The vehicle did not have any codes and passed the stall test.

32. On or about January 28, 2021, Treasurer was driving his vehicle when he stopped at a red light. After the light turned green, he pressed the gas pedal and the engine revved, but the vehicle would not move. The vehicle began to make strange noises and multiple warning lights illuminated on the dashboard. Treasurer had to exit his vehicle at the intersection to direct traffic to go around his immobile vehicle.

33. Treasurer’s vehicle was towed by the American Automobile Association (“AAA”) to Prestige Subaru. Upon inspection, the dealership found “vehicle had several codes for transmissions, there was no movement from the vehicle when shifting into any gear.” Prestige Subaru performed a full transmission

replacement in Treasurer's vehicle as a result. At the time, the vehicle had approximately 24,900 miles on the odometer.

34. At no time prior to the complete transmission failure in his vehicle did Treasurer note any problem with the vehicle or its transmission. Moreover, Prestige Subaru performed the transmission recall on Treasurer's vehicle six months prior which including a DTC check and a stall test, which his vehicle apparently had passed.

35. As a result of the Transmission Defect, Treasurer has lost confidence in the ability of the vehicle to provide safe and reliable transportation.

36. At all times, Treasurer, like all Class Members, has attempted to drive his vehicle in a foreseeable manner and in a manner in which it was intended to be used.

Plaintiffs Kelly and Frank Drogowski

37. Plaintiffs Kelly and Frank Drogowski are citizens of and domiciled in the Commonwealth of Pennsylvania. On or around December 1, 2018, the Drogowskis purchased a new 2019 Subaru Ascent from Ciocca Subaru, an authorized Subaru dealership located in Allentown, Pennsylvania.

38. The Drogowskis purchased their vehicle primarily for personal, family, or household use.

39. Passenger safety and reliability were the primary factors in the Drogowskis' decision to purchase their vehicle. The Drogowskis researched the Ascent on the internet, by "Googling" the vehicle, and reviewed comments on owners' forums and online reviews. They also visited Subaru's website, as well as

that of the dealership, review the window sticker (the “Monroney” sticker), and test drove the 2019 Ascent prior to purchase. Additionally, they spoke with the salesperson at Ciocca Subaru, who repeatedly assured them that Subaru stood by the quality of its vehicles. Subaru could have and should have disclosed the Defect through each of these media and venues, but did not.

40. Had Subaru disclosed the Transmission Defect before the Drogowskis purchased their vehicle, the Drogowskis would have seen such disclosures and been aware of them. Indeed, Subaru’s misstatements and omissions were material to the Drogowskis. Like all members of the Class, the Drogowskis would not have purchased their Class Vehicle, or would have paid less for the vehicle, had they known of the Transmission Defect.

41. In addition, at the time the Drogowskis purchased their vehicle, and in purchasing their vehicle, they relied upon representations from Subaru and its authorized dealership that they saw during their internet research and heard from the salesperson at the dealership that the vehicle was fully functional, safe, durable, reliable, and/or the transmission operated correctly and effectively. The Drogowskis relied on those representations, and the omission of a disclosure of the Transmission Defect, in purchased the vehicle, and absent these representations and omissions, would not have purchased the vehicle or would have paid less for it.

42. Shortly after they purchased the vehicle, they began to experience the vehicle pulling, shuddering, and hesitating, especially when trying to accelerate from a stop. The issues were and still are particularly noticeable when they attempt to drive their Ascent up any kind of incline.

43. The Drogowskis complained about the transmission problems in their vehicle to Ciocca Subaru when they took it in for service on or about July 17, 2019. Although the dealership did not note their transmission complaint on their documents, they did perform a tire rotation and alignment. At the time, the dealership noted that the vehicle had about 13,000 miles on the odometer but the front tires had worn down to 4/32 and the back tires had worn down to 3/32. The Drogowskis paid about \$100 for this service.

44. Within ten days, on July 26, 2019, the Drogowskis returned their vehicle to Ciocca Subaru, again complaining about problems with the transmission. After being pressed, the dealership received approval from the Subaru District Parts and Service Manager (“DPSM”) to replace all the tires on the vehicle, do a new alignment, and also perform a front and rear suspension alignment without cost to the Drogowskis. The Drogowskis were explicitly told that this was not a warranty repair, but instead a gesture of “goodwill” on the part of Subaru. The Drogowskis picked up their vehicle after these repairs on July 30, 2019.

45. On September 28, 2019, the Drogowskis returned their vehicle to Ciocca Subaru, again complaining of transmission problems, including hesitation and squealing. Additionally, despite the prior repair, the vehicle was still pulling to the right. Upon inspection, which included “CVT Electrical Testing and Diagnosis”, the dealership found that the squealing was from the chain in the CVT slipping and recommended a transmission replacement, including a transmission fluid flush. As a result, the TR690 transmission in the vehicle was replaced with a new TR690 transmission. The dealership also performed a new alignment of the vehicle and

serviced the brakes by greasing the components. The vehicle was returned to the Drogowskis on October 23, 2019, nearly a month later.

46. This did not repair the Defect in their vehicle. On December 14, 2019, the Drogowskis returned their vehicle to Ciocca Subaru and complained of a shudder in the transmission, as well as a pulling sensation while driving. They asked specifically for the dealership to check the transmission again, because they felt that the issue may be due to the recall on the transmission and the replaced transmission. The dealership “could not duplicate concern” and stated “no codes found” when they inspected for a CVT chain slip, as per the recall. However, the Transmission Control Module (“TCM”) was reprogrammed. The vehicle was returned to the Drogowskis on December 16, 2019.

47. Despite these repairs, the Defect remained uncorrected in their vehicle. On July 7, 2020, the Drogowskis brought their vehicle back to Ciocca Subaru. Although still experiencing problems with the transmission, the dealership merely rotated the tires. Ciocca Subaru also performed another recall on the vehicle, a fuel pump replacement. The vehicle was returned to the Drogowskis on July 9, 2020.

48. None of these repairs remedied the Defect in their vehicle. To this day, the transmission in their 2019 Subaru Ascent shudders, jerks, pulls, hesitates, and struggles when they attempt to drive up hills, even though the vehicle has less than 25,000 miles on the odometer.

49. Due to the Transmission Defect, the Drogowskis overpaid for a defective vehicle, have lost of the use of their vehicle while ineffectual repairs were made, and paid for ineffectual repairs.

50. At all times, the Drogowskis, like all Class Members, have attempted to drive their vehicle in a foreseeable manner and in the manner in which it was intended to be used.

Defendants

51. Defendant Subaru Corporation f/k/a Fuji Heavy Industries Ltd. (“Subaru Corp.”) is a Japanese corporation located at The Subaru Building, 1-7-2 Nishishinjuku, Shinjuku-ku, Tokyo, 160-8316, Japan. Defendant Subaru Corp. is the parent company of SOA and is responsible for the design, manufacturing, distribution, marketing, sales and service of Subaru vehicles, including the Vehicles, around the world, including in the United States.

52. Defendant SOA is incorporated in New Jersey and has its principal place of business and headquarters in Camden, New Jersey. It is there that SOA has a 250,000 square foot headquarters campus, wherein approximately 600 employees, including its officers, and the sales, marketing, and distribution departments, among others, are based and carry out the business of SOA. There also is an approximately 100,000 square foot national service training center for SOA adjacent to its headquarters campus, which houses service training, service engineering and product engineering functions. SOA markets and distributes automobiles throughout the United States and is a division of the Japanese conglomerate Subaru Corp.

53. SOA is the U.S. sales and marketing subsidiary of Subaru Corp. and is a wholly owned subsidiary responsible for distribution, marketing, sales and service of Subaru vehicles in the United States. SOA has a nationwide dealership network and operates offices and facilities throughout the United States.

54. In order to sell vehicles to the general public, SOA enters into agreements with dealerships who are then authorized to sell Subaru-branded vehicles to consumers such as Plaintiffs. In return for the exclusive right to sell new Subaru vehicles in a geographic area, authorized dealerships are also permitted to service and repair these vehicles under the warranties SOA provides directly to consumers. These contracts give SOA a significant amount of control over the actions of the dealerships, including sale and marketing of vehicles and parts for those vehicles. All service and repairs at an authorized dealership are also completed according to SOA's explicit instructions, issued through service manuals, technical service bulletins ("TSBs"), and other documents. Per the agreements between SOA and the authorized dealers, consumers such as Plaintiffs can receive services under SOA's issued warranties at dealer locations that are convenient to them.

55. SOA and Subaru Corp. also develop and disseminate the owners' manuals, warranty booklets, maintenance schedules, advertising such as vehicle brochures, and other promotional materials relating to the Class Vehicles through the dealership network. SOA is also responsible for the production and content of the information on the Monroney Stickers.

56. SOA is the designated liaison between Subaru Corp. and NHTSA for the purposes of reporting safety defects, including recalls, and for responding to NHTSA's requests, on behalf of the manufacturer, Subaru Corp.

57. Subaru Corp. and SOA (collectively "Subaru") have common management. Indeed, SOA's sales, marketing and distribution efforts in the United States are headed by corporate officers of Subaru Corp. For example, Takeshi

Tacihmori, the chairman and CEO of SOA is also a Director and Corporate Executive Vice President for Subaru Corp. in charge of the Subaru Global Marketing Division, Subaru Japan Sales and Marketing Division and Subaru Overseas Sales and Marketing Divisions 1 and 2. The incoming Chairman of SOA is also a Corporate Senior Vice President of Subaru Corp. who is Chief General Manager of Subaru Overseas and the Vice President in charge of Sales and Marketing, Division 1.

58. Defendant Subaru Corp. communicates with Defendant SOA concerning virtually all aspects of the Subaru products it distributes within the United States.

59. Defendants manufactured, marketed, sold and warranted the Class Vehicles, including Plaintiffs' vehicle.

FACTUAL ALLEGATIONS

60. For years, Subaru has designed, manufactured, distributed, sold, leased, and warranted the Class Vehicles. Subaru has marketed and sold over a hundred thousand of Class Vehicles throughout the United States, including through its nationwide network of authorized dealers and service providers.

61. Subaru has thousands of authorized dealerships across the United States, all of which are under Subaru's control. Subaru authorizes these dealerships to sell Subaru vehicles, parts, and accessories and to service and repair Subaru vehicles using Subaru parts. Its net automotive sales through those dealerships for the United States for the fiscal year ending March 31, 2019 totaled 659,700 vehicles or 66% of its global automobile sales, which netted \$27,154,995 in sales that same

fiscal year.² Subaru sells its vehicles to its authorized dealerships, which in turn sell those vehicles to consumers. After these dealerships sell cars to consumers, including the Plaintiffs and Class Members, they purchase additional vehicle inventory from Subaru to replace the vehicles sold, increasing Subaru's revenues. Thus, Plaintiffs and Class Members' purchase of Class Vehicles accrues to the benefit of Subaru by increasing its revenues.

I. The Warranty

62. Subaru provided all purchasers and lessees of the Class Vehicles with a New Vehicle Limited Warranty (the "Warranty") with the purchase or lease of the Class Vehicles.

63. The Warranty is consistent throughout the Class Period and across the Class Vehicles and provides a three-year/36,000-mile warranty for the Vehicles that expressly covers defects in materials or workmanship.

64. Subaru represents as part of its Warranty terms that "Every owner of the vehicle during the warranty period shall be entitled to the benefits of these warranties." In other words, the Warranty remains with the Vehicle to the benefit of subsequent purchasers throughout the duration of the Warranty period.

65. Subaru is the drafter of the warranties it provides to consumers nationwide, the terms of which unreasonably favor Subaru. Consumers are not given

² Subaru Corporation Net Sales and Operating Income by Business Segment, available at: <https://www.subaru.co.jp/en/ir/finance/segment.html> (last viewed May 11, 2020). Subaru Corporation reports its global automotive sales netted ¥3,014,476, which is approximately \$27,154,995 in U.S. dollars using the same exchange ratio used in Subaru's 2019 Consolidated Financial Statements.

a meaningful choice in the terms of the warranties provided by Subaru, and those warranties are offered on a “take it or leave it” basis.

66. The warranties and representations contained in the Warranty were and are material to Plaintiffs because Plaintiffs would not have purchased the Class Vehicles or would not have paid as much as they did if they had known that Subaru would be unable to repair a serious safety defect like the Transmission Defect.

II. Subaru’s Advertising Emphasizes Safety and Reliability

67. Defendants advertise and emphasize the safety benefits and innovativeness of their engineering group to consumers, specifically representing the following on Subaru’s website:



68. In fact, Subaru has built a loyal customer base by marketing itself as “More than a car company.™” As part of that image, Subaru emphasizes that it cares about its customers and is committed to their safety. Indeed, Subaru touts its “industry-leading safety innovations” and represents to Plaintiffs and the class members on its website and elsewhere:



69. Subaru emphasizes in its advertising that consumers should trust the company, should trust that its vehicles are reliable, and should know that Subaru is working for “a greater good.” This is reflected on its website, wherein Subaru states:

As Kelley Blue Book's Most Trusted Brand for five years running^[1], Subaru of America is committed to building vehicles our customers can rely on while being a part of a greater good.

70. These promises are repeated in advertising for the Subaru Ascent, which was first offered for sale in late 2018 with 2019 model year vehicles. The brochure for the 2019 Subaru Ascent began with this promise:

Dream bigger.

When you're ready for life's next big adventure, the all-new 2019 Ascent™ is ready to take you to new heights. It's the largest and most versatile Subaru ever, with three rows and seating for up to eight.¹ It's packed with advanced technologies, from active safety systems to entertainment features. And you'll always drive with confidence, thanks to legendary Subaru quality, durability and reliability.

71. The Subaru Ascent was the first seven passenger vehicle produced by Subaru. A long-awaited addition to the Subaru line, the Ascent was meant to compete with the Honda Pilot, the Toyota Highlander, and the Hyundai Santa Fe.

For years, Subaru had been losing customers to these manufacturers because it did not have a vehicle in the same class.

72. As described in the brochure, the 2019 Subaru Ascent featured a “Lineartronic HCVT (High-Torque Continuously Variable Transmission) with Adaptive Control, Auto Vehicle Hold (AVH) and 8-speed manual mode with paddle shifters.” Among the features of this version of the TR690 was “X-MODE” which “optimizes engine output and transmission ratio” when necessary on low-friction surfaces. The brochure promised that “you can reach even more more destinations” with the standard X-MODE.

73. Subaru’s Ascent brochure goes on to state that X-MODE “incorporates Hill Descent Control that helps maintain a constant vehicle speed when traveling downhill, enhancing vehicle control.”

74. The Ascent also includes “Pre-Collision Throttle Management,” which Subaru describes as a system that “reduces power to your engine to help you avoid accidentally accelerating into the car in front of you while merging.”

75. These promises and descriptions are repeated in the brochures for the 2020 and 2021 Subaru Ascent and give the undeniable impression that Subaru Ascents have transmissions which provide a smooth driving experience and include active features which actually enhance the vehicle’s safety.

76. Similarly, in one commercial for the 2019 Subaru Ascent entitled “Dream Big”, which Subaru caused to be displayed throughout American television markets, a family of four is seen driving through a foggy, wet forest on the way to a spectacular view. Whether driving on the wet roads, or turning to drive off-road, the vehicle is seen to be driving smoothly and easily.



77. In another commercial for the 2019 Ascent called “A Big Day Out,” which Subaru caused to be displayed throughout American television markets, a grandmother enjoys a day with her family that makes her feel like a kid again, thanks to the roomy new SUV which drives smoothly and without incident on roads.

78. In another commercial for the 2020 Ascent called “Features,” which Subaru caused to be displayed throughout American television markets, various Ascents are seen driving through neighborhoods, on rural roads, and on a coastal road, without shuttering, jerking, or hesitating while accelerating.

79. However, Subaru has made no disclosure in any of its advertisements that the Transmission Defect exists and that, due to the existence of the Defect, the Class Vehicles are, in fact, dangerous and unreliable in that they shudder, whine, hesitate, fail to accelerate when they should, and even lose power while being driven, which is contrary to Subaru's repeated representations.

III. The Transmission Defect

80. Subaru is one of only a handful of automakers that use CVTs in its vehicles. In fact, Subaru only uses CVTs in its current vehicles with automatic transmissions, which differ from a traditional automatic transmission in important ways.

81. A traditional automatic transmission has a set number of gears and uses a hydraulic system to determine which gear, i.e. second, third, etc., is needed without direct input from a driver. CVTs, on the other hand, do not have set gears. Instead, they use pulleys, one of which connects to the engine to draw power and other which connects to the wheels. The pulleys are connected to each other via a belt, or a chain.

82. Subaru's Lineartronic CVT "uses two hydraulic operated adjustable pulleys with a chain link that connects them and utilizes a stepless gear ratio that allows the engine to run its optimal power range for improved fuel economy and

performance by continuously varying the gear ratio.”³ Subaru represents that this provides a “smooth driving experience.”⁴

83. For Plaintiffs and members of the Class, however, the CVT in the Subaru Ascent does not live up to Subaru’s promises of a “smooth driving experience.”

84. Discovery will show that the Transmission Defect is caused by one or more of the following problems with design, materials, workmanship, and/or manufacture: 1) material and/or workmanship defects with transmission components, including the sensors for the hydraulic pressure system which determines the gear ratio, the CVT chain, and, the transmission wiring harness; 2) improper design and/or calibration of the software which controls the transmission’s function, the Transmission Control Module (the “TCM”); 3) improper design and/or calibration of the transmission’s features, including X-MODE, with other features of the vehicle, including Pre-Collision Throttle Management; and 4) design defects which did not properly account for the size, shape, and weight of the Ascent model compared to other Subaru models which also use the TR690.

85. The Transmission Defect presents a safety hazard that renders the Class Vehicles unreliable, unpredictable, and more likely to be involved in a collision or other serious incident.

³ See “Subaru Lineartronic Continuously Variable Transmission (CVT)”, <https://www.youtube.com/watch?v=a3PF4fPXe9U> (published Oct. 30, 2013)

⁴ *Id.*

86. The Transmission Defect is dangerous, causing the Class Vehicles to shudder, whine, hesitate, fail to accelerate, and in extreme cases, lose power while driving, substantially increasing the risk of collisions.

IV. Subaru Had Superior and Exclusive Knowledge of the Transmission Defect

87. Subaru has been designing, manufacturing, and distributing vehicles with the TR690 transmission for over a decade. As described by one “Subaru Ambassador” in response to a complaint about the transmission on a Subaru run forum for the Ascent, “Our transmission is a solid, proven, TR690. The TR690 has been in service, in one form or another, for ten years (as of this month – happy 10 year birthday, TR690!!!) ... It is a Subaru built and designed CVT.”⁵

88. However, the TR690 also has a long history of problems, of both design and manufacture, which Subaru has left mostly unaddressed. Rather than fix the underlying problems with the TR690, Subaru instead has repeatedly issued Technical Service Bulletins (“TSBs”) and other communications calling for total transmission replacements and issued warranty extensions specifically for the TR690.

89. On or about July 24, 2009, Subaru issued SB-CF-18/19 to its dealerships, a service bulletin applicable to 2010 Legacy and Outbacks, which were equipped with the TR690. The bulletin stated that “some vehicles equipped with the Lineartronic CVT may exhibit a lack of power concern in reverse when on a steep

⁵ See May 7, 2019 post of Robert Mauro, Subaru Ambassador available at <https://www.ascentforums.com/threads/who-makes-ascent-transmission.5917/>

incline. Under certain conditions, vehicles may not continue to reverse after the vehicle has been stopped while backing up an incline. The concern is most prominent when the vehicle is at high operating temperatures.”

90. On November 26, 2012, Subaru issued TSB 16-85-12 regarding “CVT Secondary Pressure Sensor Diagnostics” for 2010-2012 Legacy and Outback models with the TR690 CVT. In response to a “customer concern of a squealing-type sound during light throttle application,” dealerships were directed to check the voltage on the TCM connector, and to the to the pressure sensor output. “If the voltages are outside of the specified range [for the TCM connector], the TCM is damaged along with the pulley surfaces of the CVT due to chain slippage. Replace both the TCM and CVT assembly.” If out of the specified range for the pressure sensor output, the CVT assembly should be replaced. The TSB specifically cautioned to the dealerships to perform additional checks before ordering a new TCM or CVT, to rule out other wiring issues in the transmission. A revised TSB issued on December 12, 2012 specifically required such other testing to be performed because a TCM or CVT replacement would be authorized.

91. On January 6, 2014, Subaru issued TSB 16-90-13 applicable to 2010-2012 Legacy and Outbacks equipped with the TR690 CVT. This TSB described the installation of new thruster washer as a countermeasure to the torque converter assembly to address complaints of very low engine RPM when coming to a stop, or stalling. Specifically, the TSB stated “[t]he condition is similarly to coming to a stop in a manual transmission equipped vehicle without depressing the clutch pedal.” However, the TSB failed to state that such an occurrence in a manual transmission

vehicle causes the vehicle to stall. The original trust washer was found to have wear causing restriction of the oil passage used to bleed off lock-up clutch application pressure, resulting in either delayed or no lock-up pressure release. This TSB was re-issued on May 7, 2014 and again on February 15, 2018, again to address stalling complaints.

92. On October 21, 2014, Subaru re-issued TSB 03-67-12R, applicable to the 2010-2012 Legacy and Outback, informing its dealers that they are to install remanufactured CVTs into the vehicles that require major repair or overhaul of the transaxle. The TSB directed that repairing the CVT was to be done only in delineated situations.

93. On August 6, 2015, Subaru issued TSB 16-95-15, applicable to 2010-2012 Legacy and Outbacks with the CVT providing a new diagnosis procedure for CVT chain slip. Customers may complaint of “abnormal transmission operating sounds, a shudder or vibration sensation, lack of power, hesitation, engine rpm rise without increase in vehicle speed or in isolated cases, a Check Engine Lamp illumination (with engine misfire DTCs stored in the ECM memory).” With a confirmed chain slip, dealerships were directed to replace the transmission. This TSB was later revised and reissued on December 20, 2016.

94. On September 28, 2015, Subaru issued TSB 03-67-12R, in which it noted that remanufactured TR690 CVTs were available for 2014-2016 Foresters, 2012-2016 Crosstreks, and 2010-2016 Legacy and Outback vehicles. The TSB noted that “retailers are required to use a remanufactured unit for all repairs

reimbursed by Subaru that require a major repair or replacement, except in the case of a new and in-stock vehicle.”

95. On July 11, 2016, Subaru issued TSB 16-102-16 to its dealerships. This TSB applied to all models equipped with CVT transmissions. It provided a new flow chart and further diagnostic tools for dealing with Diagnostic Trouble Code (“DTC”) P0841: “Secondary Oil Pressure Sensor Performance.” One common complaint noted on the TSB was a “whining sound concern.” The TSB specifically stated, “a Technician may feel performing pressure checks before beginning the electrical checks may be a way to expedite diagnosis of an internal hard part failure requiring assembly replacement.” Possible remedies, depending of the results of the diagnostics, included replacement of the secondary oil pressure sensor, the transmission wiring harness, the control valve assembly, the TCU, or even the entire transmission.

96. On December 14, 2016, Subaru issued TSB 16-103-16, to warn of transmission fluid seepages in various models with the TR690 CVT, including 2010-2012 Legacy and Outback 2.5L models, 2013-2017 Legacy and Outback 3.6L models, 2014-2017 Forester Turbo models, and the 2015-2017 WRX. This TSB addressed transmission fluid seepage from the CVT assembly. The likely source of the seepage was the sealant on the CVT’s oil pump chain cover. The repair included removal, cleaning, and inspection of sealing surfaces followed by re-sealing the cover. This TSB was revised and reissued on April 20, 2017.

97. On February 23, 2017, Subaru issued TSB 16-104-17 to its dealerships. The TSB applied to 2010-2015 Legacy and Outbacks, and the 2015-2016 Crosstrek

Hybrids as a response to consumers complaining of a “bump feeling” from the CVT at Idle in drive. The TSB directed dealerships to reprogram the TCM.

98. On June 21, 2017, Subaru issued TSB 16-107-17 to its dealerships. The TSB applied to 2010-2015 Legacy and Outbacks with 2.5L engines, the 2015 Legacy with the 3.6L engine, 2012-2015 Imprezas, 2013-2015 Crosstreks, 2014-2015 Crosstrek Hybrids, 2014-2015 Forester and Forester Turbos, and the 2015 WRX Turbo. Specifically, the New Car Limited Powertrain Warranty of these vehicles was extended to 100,000 miles for these vehicles with the TR690. Per the TSB, “[t]his change is not response to any specific condition.” This TSB was issued again on March 13, 2018.

99. On October 9, 2018, Subaru issued TSB-16-117-18 to its dealerships. The TSB applied to the 2018 Legacy, Outback, Impreza, Crosstrek, Forester and WRX vehicles. Again, there was no repair specified, but instead, the New Car Limited Powertrain Warranty was extended to 100,000 miles for the TR690. Per the TSB, “[t]he change is not in response to any specific condition.”

100. These TSBs for the TR690 show that Subaru was aware of similar malfunctions of the transmission in prior vehicles and years, and after being unable to fix the problem, simply extended the warranty. In fact, Subaru has been criticized by several consumer groups, including the Center of Auto Safety, for failing to recall the TR690 and instead merely offering the warranty extension.⁶ “Why isn’t this

⁶ Jensen, Christopher, “Consumer Groups: Subaru Owners Deserve Transmission Recall, Not Extended Warranty,” Forbes.com (Sept. 7, 2017) (last visited January 31, 2021).

being called a recall?” asked Jason Levine, executive direct of The Center for Auto Safety. The Director of Cars and Product Policy and Analysis for Consumers Union, a former top office at NHTSA said that offering an extended warranty was an admission by Subaru that there are problems with the transmission. “Debating over whether it is an unreasonable risk to safety to me raises the question, who are you putting first: your bottom line or your customer,” said Friedman. Rosemary Shahan, the president of Consumers for Auto Reliability and Safety was also critical, saying that Subaru should be allowed to avoid a recall just to save money.⁷

101. Instead of issuing a recall for the TR690 in 2017, Subaru was instead already planning to install it in their newest vehicle, the Ascent.

102. On January 8, 2019, Subaru issued TSB 16-103-16R, a revision of an earlier December 14, 2016 TSB. The TSB directed dealerships to, “following a customer concern,” inspect the sealant used on the CVT’s oil pump chain cover and the input shaft oil seal. Dealerships were directed to re-sealing the cover and replacing the input shaft oil seal with a new, redesigned type. While the January 2019 TSB was applicable to various models “equipped with TR690 CVT,” Subaru revised the TSB and re-issued it on August 29, 2019 to specifically add the 2019 and 2020 Subaru Ascent, as described below.

103. On June 19, 2019, Subaru issued TSB 16-122-19 for the 2019 Subaru Ascent. The TSB “provide[d] an updated procedure to follow when

⁷ *Id.*

diagnosing/repairing a DTC P08042: ‘TRANSMISSION FLUID PRESSURE SENSOR/SWITCH A CIRCUIT LOW.’” The TSB directed dealerships to replace the transmission harness when the resistance was determined to be out of specification, a repair which otherwise did not appear in the service manual.

104. On August 29, 2019, Subaru issued an update to TSB 16-103-16, which dealt with transmission fluid seepage. Both 2019 and 2020 Ascents, among other vehicles, were added to the list of applicable vehicles. In addition to the oil pump chain cover being identified as a source of the seepage, the input shaft oil seal was also identified. The total repair now “involves chain cover removal, a thorough cleaning and inspection of the sealing surfaces followed by re-sealing the cover and replacement of the input shaft oil seal with the new, redesigned type.” Total repair time for Ascents is listed as over 4 hours of labor, in addition to costs for materials. This TSB was again updated and re-issued on September 26, 2019, and December 1, 2020.

105. On November 26, 2019, Subaru internally announced to its dealers only a recall of 76,842 2019 Ascents, which were the Ascents manufactured between February 22, 2018 and May 7, 2019, for CVT chain slip. As described on the recall, “The CVT chain may slip resulting in irregular noise, vibration, hesitation while driving, and/or MIL illumination. If driving under this condition continues, the vehicle may experience a loss of motive power, increasing the risk of a crash.”

106. On December 5, 2019, Subaru publicly announced the recall, adding further details. In these Ascents, “mid-joint of the transmission hydraulic sensor harness was made with dissimilar materials (tinplate and copper) which may cause

an oxide film to form. If an oxide film forms, the electrical resistance may increase, potentially causing an incorrect measurement of the hydraulic pressure. If the fluid pressure is measured higher than its actual value, the Transmission Control Unit (TCU) programming was not robust enough to compensate for variation and would instruct the valve to lower the hydraulic pressure, thus potentially reducing the tension on the drive chain. Customers may experience irregular noise and/or vibration while driving, and/or warning lamp illumination...Continuing to operate a vehicle experiencing this condition may ultimately result in loss of power while driving, increasing the risk of a crash.” Subaru directed its dealers to reprogram the TCU, test drive the vehicle, examine if certain DTC were present, and if so, replace the hydraulic sensor harness with an updated part. If the vehicle experienced low drive chain tension, the transmission would be replaced. However, the recall noted that replacement of either the transmission harness or the transmission would be “very rare.” This product campaign bulletin was revised on November 10, 2020.

107. According to the chronology of this recall that Subaru submitted to NHTSA, **Subaru received the first technical report of hesitation during acceleration from the Canadian market in October 2018** in a 2019 Subaru Ascent. By November 22, 2019, Subaru was aware of 241 unique dealer and non-dealer field reports.

108. On April 2, 2020, Subaru issued TSB 16-128-20 for 2019 and 2020 Ascents. The TSB directed that a new transmission harness should be installed in response to the technician finding that the transmission wiring harness is “NG” or not good after an inspection prompted by DTC P0842 – Transmission Fluid Pressure

Sensor / Switch “A” Circuit determines that the sensor itself is fine. The total repair time was nearly 6 hours. This TSB was updated on October 9, 2020, adding 2020 Legacy and Outbacks vehicles.

109. On November 9, 2020, Subaru issued TSB 16-131-20, applicable to many vehicles with the TR690: 2010-2020 Legacy and Outback, 2012-2020 Impreza, 2012-2020 Crosstrek, 2013-2020 Forester, 2015-2020 WRX, and 2019-2020 Ascent. Per Subaru, the bulletin “provides corrected diagnostic containing a revised flow for certain CVT solenoid related DTCs.” Eighteen different DTCs are listed, without explanation, and a complicated chart of diagnostic and possible repairs are outlined, including repairing the transmission harness, repair connectors,

EXHIBIT A

DATE OF INCIDENT: December 24, 2020

DATE COMPLAINT FILED: January 16, 2021

NHTSA/ODI ID: 11388428

VEHICLE: 2019 Subaru Ascent

SUMMARY: ON 24TH DECEMBER VEHICLE IN MOTION ON A HIGHWAY WHINING NOISE OBSERVED AND TRANSMISSION DISENGAGES, RPM INCREASED. IN A FEW SECONDS TRANSMISSION ERROR MESSAGE FLASHED IN CONSOLE, IN ADDITION CHECK ENGINE LIGHT COMES ON AND ALL DRIVER AIDS DISABLED, STRUGGLED TO TAKE CONTROL AND PULL OFF HIGHWAY SAFELY. VEHICLE 20 MONTHS OLD LESS THAN 20,000 MILES. SECOND INSTANCE OF TRANSMISSION FAILING AFTER WUVO7 RECALL COMPLETED IN JANUARY 2020. 1ST INSTANCE OF TRANSMISSION FAILURE IN CITY STREETS @35MPH SIMILAR BEHAVIOR TRANSMISSION LIGHT, CHECK ENGINE LIGHT AND DRIVERS AIDS DISABLED, INCORRECTLY DIAGNOSED BY MASTER TECHNICIAN AS VALVE BODY FAILURE AFTER THE WUV07 RECALL THE FUEL EFFICIENCY ALSO DROPPED. A COUPLE OF DAYS PRIOR TO 24TH DECEMBER CONTACTED SUBARU OF

AMERICA ABOUT A SHUDDER NOTICED OBSERVED WHILE DRIVING. ENCLOSED IMAGE HAS REPAIRS RELATED TO TRANSMISSION, IN ADDITION DURING THE 2ND THE STARTER ALSO FAILED AND STARTER WAS ALSO REPLACED. IN CONCLUSION TWO UNSAFE TRANSMISSION FAILURE IN MOTION AFTER WUV07 RECALL.

DATE OF INCIDENT:	August 12, 2020
DATE COMPLAINT FILED:	August 13, 2020
NHTSA/ODI ID:	11349143
VEHICLE:	2019 Subaru Ascent

SUMMARY: CURRENTLY MY CAR IS BEING REPAIRED AT SUBARU DEALERSHIP HAD ISSUE WITH VIBRATION THEY ARE SEEING IF IT'S A TRANSMISSION PROBLEM APPARENTLY THERE WAS A RECALL WITH THE 2019 SUBARU ASCENT. I NEVER RECEIVED ONE BUT I AM HAVING TRANSMISSION ISSUES AND THEY ARE LOOKING INTO WHAT THE DEAL IS I'M JUST WONDERING WHY I NEVER GOT A RECALL THIS IS DANGEROUS GOD FOR BID MY CAR OR TO SLOW DOWN OR STOP WHEN I'M DRIVING I DON'T UNDERSTAND WHY I NEVER GOT THE NOTICE

DATE OF INCIDENT: June 28, 2020

DATE COMPLAINT FILED: June 29, 2020

NHTSA/ODI ID: 11331614

VEHICLE: 2019 Subaru Ascent

SUMMARY: WHEN TRYING TO ACCELERATE AROUND A TRUCK ON A HIGHWAY, THE CAR REFUSED, FELT LIKE IT WAS GOING TO STALL AND EVERY LIGHT ON THE DASHBOARD LIT UP. MY SPEED WAS PROBABLY AROUND 60MPH, WHEN I TRIED TO QUICKLY GET AROUND THIS TRUCK. IT WAS FULL OF FURNITURE THAT I FELT WAS LOADED IN AN UNSAFE MANNER. THIS IS THE SECOND TIME THE CAR HAS DONE THIS AND THE CVT CHAIN SLIP WAS SUPPOSEDLY FIXED IN A RECALL N DECEMBER. THIS TIME SUBARU SAID IT WAS A LEAKY GASKET IN THE INTER COOLER??

DATE OF INCIDENT: February 2, 2020

DATE COMPLAINT FILED: February 7, 2020

NHTSA/ODI ID: 11307822

VEHICLE: 2019 Subaru Ascent

SUMMARY: CHECK ENGINE LIGHT – DIAGNOSIS

VEHICLE LOSES POWER AFTER RAPID ACCELERATION ABOVE 45MPH. A WHOOSHING SOUND OCCURS AND THEN ACCELERATION IS LIMITED. ALL WARNING LIGHT FLASH INCLUDING CHECK ENGINE. THIS HAS OCCURRED ONCE ABOUT A MONTH AGO AND DIAGNOSED AS A POORLY REPLACED GAS CAP ALTHOUGH IT WAS ACTUALLY ON SECURELY. IT OCCURRED 2 WEEKS LATER 3 MORE TIME WITHIN TWO DAYS. I BROUGHT IT IN WITH THE LIGHTS ON AND ISSUE STILL OCCURRING TO SUBARU PACIFIC. THEY CLEARED CODES AND TRIED TO RECREATE ISSUE WITHOUT SUCCESS. THEY RELEASED THE CAR BACK TO ME AFTER CORPORATE DEFERRED TO THEM. UPON DRIVING OUT OF DEALERSHIP, THE SAME THING HAPPED ONLY AFTER ACCELERATION ABOVE 18 MPH ALL WARNING LIGHTS BACK ON AND SPUTTERING/JERKING/LOSS OF POWER. DEALER IS IN POSSESSION OF THE CAR AGAIN TO LOOK INTO IT. ALSO, THERE TENDS TO BE A GREY-BLUE HUE TO THE EXHAUST EACH TIME CAR STARTS.

DATE OF INCIDENT:	January 13, 2020
DATE COMPLAINT FILED:	January 16, 2020
NHTSA/ODI ID:	11299965
VEHICLE:	2019 Subaru Ascent

SUMMARY: CAR WAS SHAKING WHILE IDLING/ SHIFTING HARD/ STUDDERING WHILE TRYING TO SHIFT AND NOT SHIFTING WHILE GOING UP AN INCLINE. THE TRANSMISSION WAS DAMAGED FROM THE SLACK IN THE CVT BELT AND NOW HAS TO BE COMPLETELY REPLACED.

ALSO THE BATTERY DIED. NO DOORS WERE LEFT OPEN AND NO LIGHTS WERE LEFT ON. NO REASON TO HAVE A DEAD BATTERY OTHER THAN A LARGE PARASITIC DRAIN WHILE THE CAR IS OFF.

DATE OF INCIDENT:	January 2, 2020
DATE COMPLAINT FILED:	January 3, 2020
NHTSA/ODI ID:	11296891
VEHICLE:	2019 Subaru Ascent

SUMMARY: IN LOW SPEED WHEN WANTING INCREASE SPEED, THE ENGINE LOSES POWER AND BRIEFLY SPUTTERS AND THEN RECOVERS AND ACCELERATES. USUALLY HAPPENS WHEN TRYING TO ACCELERATE WHEN GOING UP HILL AND FROM SLOW, RIGHT TURNS. USUALLY AT HIGHWAY SPEED, IT CAN QUICKLY ACCELERATE.

DATE OF INCIDENT:	February 1, 2019
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DATE COMPLAINT FILED: December 13, 2019

NHTSA/ODI ID: 11288941

VEHICLE: 2019 Subaru Ascent

SUMMARY: IT SUDDENLY LOSES POWER WHILE DRIVING AND ALL OF SUDDEN IT GETS POWER AND JUMPS. THIS HAPPENS ALMOST 2 OR 3 DAYS IN A WEEK. IT HAPPENS IN CITY STREET.

DATE OF INCIDENT: July 30, 2019

DATE COMPLAINT FILED: October 23, 2019

NHTSA/ODI ID: 11270567

VEHICLE: 2019 Subaru Ascent

SUMMARY: ISSUE #1: TRANSMISSION. STARTING AROUND 8000 MILES, A LOUD SQUEALING SOUND WOULD OCCUR PERIODICALLY DURING AUTOMATIC SHIFTING. AT FIRST IT WAS ONLY WHILE OBTAINING HIGHWAY SPEEDS AND LATER WOULD HAPPEN AT CITY STREET SPEEDS. THE SQUEALING SOUND WOULD BE ACCOMPANIED BY A SHUTTERING FEELING AS WELL. WE LIVE 3 HOURS FROM THE DEALER AND WERE TOLD BY THE DEALER THAT THE CAR WAS JUST 'GETTING TO KNOW US'. AS THIS PROBLEM PERSISTED AND WORSENEED, WE WERE FINALLY BROUGHT IT TO THE DEALER AT 12,000

MILES AND THE TECHNICIAN DIAGNOSED A TRANSMISSION PROBLEM AND SAID WE NEED A NEW TRANSMISSION. THAT WAS 9/27/19. WE ARE AWAITING THE AVAILABILITY OF A NEW TRANSMISSION WHILE DRIVING A LOANER.

ISSUE #2: ELECTRICAL ISSUE. TWICE ALL OF THE ENGINE WARNING/DASHBOARD LIGHTS CAME ON WHILE DRIVING ABOUT 20 MPH ON A DIRT ROAD. THE FIRST TIME WAS AROUND 9800 MILES. I WAS ABLE TO DRIVE THE CAR AND BROUGHT THE CAR TO A LOCAL REPAIR SHOP (SUBARU DEALER IS 150 MILES AWAY) AND HIS COMPUTER DIAGNOSED A POSSIBLE TRANSMISSION PROBLEM AND REBOOTED THE ELECTRICAL SYSTEM. ALL SEEMED OKAY WITH THE ELECTRICAL SYSTEM FOR AWHILE. THIS HAPPENED AGAIN AROUND 11,000 MILES WHILE BEING DRIVEN AT CITY STREET SPEEDS AND THE NEXT MORNING THE ELECTRICAL SYSTEM WAS BACK TO NORMAL. IN TALKING TO THE SUBARU DEALER BY PHONE, THEY SAID THERE WAS PROBABLY JUST A BUG IN THE SYSTEM AND IT CAN FIX ITSELF. AT THE 12,000 MILE APPT, NO ISSUES WERE DISCOVERED WITH THE ELECTRICAL SYSTEM.

DATE OF INCIDENT: August 28, 2019
DATE COMPLAINT FILED: August 29, 2019
NHTSA/ODI ID: 11252259
VEHICLE: 2019 Subaru Ascent

SUMMARY: WE ARE NOTICING PERIODIC ISSUES WITH THE CVT IN THIS NEW CAR. OCCASIONALLY WE GET A HIGH-PITCHED WHINE, A SOUND LIKE A BELT SLIPPING, A LOSS OF POWER, AND A SUDDEN BUMP WHEN THE CVT SEEMS TO ADJUST TO THE SITUATION AND RETURN POWER AND NORMAL DRIVING. THE INTERNET IS FULL OF PEOPLE REPORTING THE ISSUE. TOOK IT TO THE DEALER AND GOT THE USUAL DEER-IN-THE-HEADLIGHTS RESPONSE. THEY HAVE A SERIOUS ISSUE HERE. MOST RECENT EVENT I RECORDED WAS ON 8/28 11:00 AMISH ON 1-5 NORTH OUT OF TACOMA TO SEATAC, DRIVING AT HIGHWAY SPEEDS.

DATE OF INCIDENT: March 29, 2019
DATE COMPLAINT FILED: March 30, 2019
NHTSA/ODI ID: 11192554
VEHICLE: 2019 Subaru Ascent

SUMMARY: THE SUBARU ASCENT WAS PURCHASED AUGUST 2019 (ABOUT 7 MONTHS AGO) AND THE CAR CURRENTLY HAS ABOUT 14,000 MILES. THE CVT TRANSMISSION BEGAN SLIPPING AROUND MARCH 16TH, 2019, CAUSING INTERMITTENT VIBRATION AND LOSS OF POWER WHEN ACCELERATING. THIS WOULD OCCUR AT BOTH LOW AND HIGH SPEEDS, AND WOULD OCCUR MORE FREQUENTLY AFTER THE CAR HAD BEEN DRIVEN FOR ABOUT 15 MINUTES. AT HIGHWAY SPEEDS, THE CAR WOULD STRUGGLE INTERMITTENTLY TO MAINTAIN SPEED. INITIALLY THE PROBLEM WAS SPORADIC, BUT WITH EVERY DAY GREW MORE FREQUENT.

AFTER BEING TAKEN TO DEALERSHIP TO BE EVALUATED, THE DEALER REPORTED THAT WHILE THE TECHNICIAN WAS TEST DRIVING THE VEHICLE, COMPLETE FAILURE OF THE TRANSMISSION OCCURRED AND THE CAR WAS NO LONGER DRIVABLE. THE DEALER HAS ORDERED A NEW TRANSMISSION TO REPLACE THIS FAILED ONE.

DATE OF INCIDENT:	March 1, 2020
DATE COMPLAINT FILED:	March 16, 2020
NHTSA/ODI ID:	11318327
VEHICLE:	2020 Subaru Ascent

SUMMARY: JERKY ACCELERATION BETWEEN 35-50 MPH. CVT “SWITCHING GEARS” UP AND DOWN. NOTICED AT 600 MILES. THIS HAPPENS SPORADICALLY, WHEN IT DOES HAPPEN THE JOLT SNAPS MY HEAD BACK.

BRAKES CONTINUE TO SQUEAL AFTER 600 MILES.

DATE OF INCIDENT:	March 31, 2020
DATE COMPLAINT FILED:	March 30, 2020
NHTSA/ODI ID:	11319814
VEHICLE:	2020 Subaru Ascent

SUMMARY: DRIVING DOWN THE ROAD THE ENTIRE CAR STARTED VIBRATING AND FELT WOBBLY WHEN I GOT ABOVE 20 MPH. PULLED OVER TO CHECK TIRES AND UNDER THE CAR, NO OBVIOUS ISSUES FOUND. TURNED OFF THEN BARK ON THE CAR, SAME ISSUE ABOVE 20 MPH. THE CAR WAS STRUGGLING TO GET UP THE TOW RAMP AND SMELLED ACRID ODOR THAT BOTH I AND THE TOW TRUCK DRIVER NOTICED. MADE TERRIBLE SOUND WHEN SHIFTING FROM P THROUGH R TO D. THIS ALL HAPPENED ON PAVED ROADS GOING BACK HOME. THE CAR NOW HAS 150 MILES ON IT, BOUGHT IT 3 DAYS PRIOR NEW.

DATE OF INCIDENT: November 19, 2020

DATE COMPLAINT FILED: November 19, 2020

NHTSA/ODI ID: 11375376

VEHICLE: 2020 Subaru Ascent

SUMMARY: THE TRANSMISSION OCCASIONALLY SLIPS, RESULTING IN MOMENTARY RISE ENGINE REVS AND SLIGHT LURCH. IS ASSUME THAT THIS IS RELATED TO THE KNOWN TRANSMISSION ISSUE FOR EARLIER ASCENTS, BUT MINE IS NOT INCLUDED IN THE AFFECTED VIN NUMBER GROUP. OTHER PEOPLE TRAVELING IN THE VEHICLE WITH ME HAVE NOTICE THE ISSUE AND REMARKED ON IT, SO I AM NOT IMAGING IT! SUBARU HAVE NOT YET DIAGNOSED IT BUT WILL DO SO AT THE NEXT OIL CHANGE. THIS BEHAVIOR HAS BEEN A FEATURE OF THE VEHICLE FROM NEW AND IT HAS NOW DONE ABOUT 12,000 MILES. THE EVENT OCCURS MAYBE ONCE A WEEK OR SO.

DATE OF INCIDENT: November 24, 2020

DATE COMPLAINT FILED: December 6, 2020

NHTSA/ODI ID: 11378120

VEHICLE: 2020 Subaru Ascent

SUMMARY: CVT BEGAN SLIPPING INTERMITTENTLY AROUND 28000 MILES. THIS USUALLY OCCURS IN THE 55-65 MPH RANGE AT 2000-3000 RPM. SLIPPING IS INDICATED BY APPROXIMATELY 300 RPM CHANGE AND A NOTICABLE HESITATION IN VEHICLE MOTION.

DATE OF INCIDENT: September 18, 2020

DATE COMPLAINT FILED: January 2, 2021

NHTSA/ODI ID: 11386456

VEHICLE: 2020 Subaru Ascent

SUMMARY: LOSS OF POWER (INTERMITTENT) WHILE DRIVING AT A CONSTANT LOWER SPEED AND OCCASIONALLY DURING ACCELERATION. ADDITIONALLY, WHEN GOING UP A HILL THE AUTOMATIC TRANSMISSION DROPS IN GEARS WHICH SIGNIFICANTLY INCREASES RPMS THEN ONCE ON FLAT ROAD THE VEHICLE TAKES SOME TIME TO CHANGE GEARS. IF IT HIT THE GAS PEDAL ONCE AT THE TOP OF THE HILL, THE RPMS GO PAST 3.5. SO I WAIT UNTIL THE CAR SWITCHES GEARS BEFORE PRESSING THE GAS PEDAL.

Exhibit B

1) AscentForums.com

a. “List Your Transmission Problem”¹

- Post #1 – DixieGent on Jan. 1, 2019

Please use the link in the next post to update a spreadsheet with information on any transmission problems you have experienced, along with dealer’s resolution, so can see how many problems exist and if there is any commonality. Thanks!

Many thanks to pcj!

- Post # 4 – pcj on Jan. 1, 2019

Responses may be viewed at

<https://docs.google.com/spreadsheets/d/1bOnwk4V0cdESiUOY8o8frvSVgU0Nd5ygykorimAq1Dtk/edit?usp=sharing>²

- Post #12 – Amy C on Jan. 4, 2019

Mine just happened against this evening! Towing back to the dealer again tomorrow

- Post #15 – Robert.Mauro on Jan. 11, 2019 (emphasis in original)
Passed it on to SoA...

I’ve passed on a link to the spreadsheet to SoA. Please keep populating it if you have any issues.

BUT, most importantly, please remember the following:

¹ Available at <https://www.ascentforums.com/threads/list-your-transmission-problem.5715/>

² As of the date of this Complaint, there are 93 responses listed on this spreadsheet, with report dates beginning January 2, 2019 and ending July 10, 2020.

1. Only video record the dash/issue if you can safely and legally do so – and if you can safely and legally do so, then by all means! The more info the better!
 2. Make sure you report it to your dealerships. The dealerships collect, aggregate and report the information to SoA.
- Post #43 – Robert.Mauro on Feb. 23, 2019 (emphasis in original)
SoA is keeping track, but, OTOH, pinning THIS thread implied that there is a problem with the transmission, as opposed to problems with a few of them.

I already saw the damage that shoddy reporters caused with their recall nonsense implying that everyone's Ascent would need to be destroyed because they were all missing welds.

This read, as named and presented, implied there's an issue with the transmission design itself, when there isn't. Some "news" outlets already picked up on it. I personally will not add fuel to that fire...

- Post #47 – Eraten on Feb. 27, 2019
I have slipping and jerking when starting uphill from a stop. Happens often while accelerating between 5-15MPH and at 3-4000 RPMS. My daily commute takes me through a river valley with stop lights, so I get to experience it quite frequently. I took it to the dealership, they're able to replicate, and are telling me that its "normal" and sent me on my way. :dunno:

Another issue I have that may or may not be related to the CVT is I get "surging" while gently accelerating when the engine is still cold.

I'll add it to the spreadsheet.

- Post #49 – MK19 on Mar 28, 2019
Just heard back from the dealer today that they're replacing the transmission. They, "can't pinpoint the issue and probably never will". When (hopefully) I pick it up next week I'll definitely be adding it to the spreadsheet.

They were were -->this<-- close to us being able to initiate the lemon law next week. Glad we got some resolutely though, even if the problem with the transmission wasn't fully identified.

- Post #88 – SunnyB on Aug. 21, 2019
Hi Folks,

Sorry to be part of the transmission replacement club. Touring edition Ascent (don't know the build date but it was purchased in Feb 2019). Lights started first, took it in they reset them couldn't find anything. Next was a screechy sound and low acceleration while going uphill. Replacement crankshaft, and something else. Then it got worse. Couldn't accelerate, screeching was worse. Had it for 2 days couldn't replicate. Told them to try driving up a steep hill and they finally got it to do the same thing. Whole transmission is being replaced. They said 3 weeks before I can have it back. They put me in a loaner and I have a case number with Subaru Corp, but for those that asked for some form of reimbursement what did you ask for or receive? I also added my info into the google doc.

- Post #94 – JeffB on Sep 6, 2019 (edited)

FYI – first time Subaru owner (lease) the touring trim. Wife and I heard the chain slipping and screeching noise (it has been documented here in all those videos) to varying degrees. Have about 3K miles on the car. Brought it into the Subaru dealer, they had it a few days and called and said it needs a new transmission and it won't be in until late October(1) maybe sooner. Backordered because of this. He said it's an 'epidemic' and he saw 8 cars in the last 2 week with the same problem. He seem to know what it was exactly but there wasn't a bulletin(?) out so he has to get a whole new in the interim? I don't know much about cars but maybe they can't make repairs their techs aren't trained on even if they know what they need to do? He said it's fine to drive actually and we can pick it up if we wanted, or get us a loaner ascent (yes). We have been driving a 2019 and like it a lot. Very zippy compared to the ascent. Too bad it doesn't fit our golden retriever's dog crate and it will tighter with a new kid on the way.

Anyways, I know there has been a ton of talk in this forum and it was very helpful as I did research before bringing it in. I wanted to give back and share my personal experience. Dealers have been great so we'll see. Do they have an electric car in their pipeline?

- Post #113 – robn30 on Nov 17, 2019

I'm line item 75 and just wanted to post some videos of my terrible transmission in action. Pretty sure this is similar to what others have been experiencing. I'm no video expert so don't critique my skills, or lack there of []. YouTube is nowhere in my future, I'll keep teaching the military folks I have the pleasure of having in my class. At least then I'm talking to actual people and not an internet audience. BTW if you have headphones it will make hearing the slippage easier. Enjoy. Video link posted below.

<https://youtu.be/L1q9tbOIhM>

b. Ascent Transmission issue³

- Post #1 – Robbyj4000 – 9 mo ago

2019 Subaru Transmission recall. Had the transmission recall addressed & all the issues the recall said "could" happen happened going down the freeway with my wife & 3 year old in the car after it was supposedly fixed. Currently back in the shop waiting to find out what happened. Numerous recalls!! Absolutely NOT satisfied. Looking at solutions to have Subaru take it back.

- Post #6 – Robbyj4000 – 9 mo ago

Agreed. I will update once I get the car back & review the issued verbatim from the dealer. The exact recall or service advisory I mentioned was related to the transmission sensor or computer upgrade regarding a sensor, unless I am mistaken. I may have misspoke when I said transmission recall The possible results that could possibly happen from the notice did happen "after" the service requested was performed. The service technician said over the phone that the

³ Available at <https://www.ascentforums.com/threads/ascent-transmission-issue.9858/>

transmission housing bolts “backed out” (his words) damaging a “booster” and O bring. Waiting on parts, but I will update. I’m not sure how the bolts could come out. But I agree I trust we’ll get to the bottom of it. It is at a trusted Subaru dealer now that I normally do not use. I called my normal dealer & they want to see the car when I get it back to analyze it to help ease my wife’s concerns as she doesn’t want to drive it because of what happened. Stay tuned.

c. Transmission stutter / flutter / hesitation post reprogram.

- Post #1 – Hatman – 6 mo ago⁴
Lately my 2019 Ascent’s transmission has been stuttering when it shifts after a complete stop. I’m pretty sure it didn’t do this before one the proactive TCM reprogram(recall?) that was supposed to address that very symptom that it did not have previously.

if I come to a full stop, and then accelerate up to 4000 RPM and maintain those revs, as soon as it shifts, the transmission seems to hesitate/stutter for a full second before it picks up the next “simulated gear”. It does feel like there is loss of power for a fraction of a second, and it may also happened at lower RPMs (2500 ~ 3000 RPM) but not as often. Inclined roads seem to make it happen more often than not. It only seems to happen on a particular “gear”, all other seem to shift fine. I started noticing this every time I would pull out of a parking lot on to a mayor road. Maybe it has something to do with the sudden acceleration?

I took it to the dealership but they were unable to reproduce the issue so now I am trying to ensure I have consistent reproducible steps for my next appointment. Has anybody had a similar issue and any luck with getting it fixed?

- Post #2 – jamieblank – 6 mo ago
Mine shuddered maybe once a month, uphill usually, 35-45mph, right around 2000rpm. After they did the reprogramming, it was doing it

⁴ Available at <https://www.ascentforums.com/threads/transmission-stutter-flutter-hesitation-post-reprogram.10292/#post-143044>

every trip, sometimes twice. Magically, it went back to about twice a month here recently.

- Post #5 – flysquasher – 4 mo ago
Took my 2019 Ascent in today with a light throttle shutter between 40 and 60 mph. I had all prior recalls done. My shutter has gotten worse over the last 2 months. I have 35, 000 miles on it. The said the chain was slipping and the transmission will be replaced now.

FYI don't wait to take it in. Its something dealerships are looking for.

- Post # 6 – Hatman – 4 mo ago
Took it in for a second time and this time the tech was able to reproduce the stutter. Looks like I'll be getting a new transmission. Hopefully the next transmission won't have any issues. On another note, the lane centering feature on the 2021 ascent loaner the gave me is sweet.

d. Transmission⁵

- Post #1 – Yoyito326 – on or around Jan 7, 2021
My transmission went out with 23000 it was slipping in reverse is that normal
- Post #2 – HappilyEverAndra – on or around Jan 8, 2021
What year was it? Lots of new tranny problems seem to be coming up. Makes me start to worry about all the small little issues mine has had over the last 18k..

e. Major Transmission Problem⁶

⁵ Available at <https://www.ascentforums.com/threads/transmission.11477/#post-154129>

⁶ Available at <https://www.ascentforums.com/threads/major-transmission-problem.4809/>. This thread began on November 1, 2018 and as of the time of the filing of the complaint has 1285 posts. The last post on the thread was from six months ago.

- Post # 1 – cjzclan – Nov 1, 2018
Ordered a Magnetite Gray Ascent Limited on June 23rd. Picked the car up on Sept. 7th, 10 weeks later. Noticed a few instances of “slipping” in the transmission. About a week ago, wife was driving with our autistic son when multiple warning lights came on and transmission ailed. AT temp light was on, eyesight disabled, check engine light, brake light, etc... Car wouldn’t move and she had to coast into a school. Car has 5,000 miles. Had to call Subaru Roadside Assistance and have the car towed to the dealer. Dealer has had the car for a week. They called in regional engineer to inspect. After examining car for a week and putting 85 miles on it, they are telling us to come pick it up since they can’t reproduce the problem and don’t know what’s wrong. All they did was check the connectors on the top of the transmission and check the fluid level. They didn’t even change the fluid given that the AT temp light came on. Very disappointed in Subaru. They are basically throwing us to the wolves and hoping the problem doesn’t happen again. They won’t replace the transmission. We are very nervous about driving the car or taking the car on any sort of extended trip. With winter coming we are seriously considering the dumping the car. Would never recommend Subaru after this experience.

f. 2020 Ascent transmission issues⁷

- Post #1 – GogglePnw – 4 mo ago
I purchased a 2020 Ascent in July, started having problems shifting from park to reverse a month ago. I always use the parking brake, so I was confused why would I get a chunking sound when shifting into reverse out of park. Brought it into the dealership, and after sitting there for 4 hours they would me they couldn’t figure it out and had to go to the Subaru tech line. It’s now been 5 days (I did get a 2021 Ascent to use while I’m waiting, so no complaints there), and I was informed they are ordering a new transmission. This car has 6,200 miles on it. Has anyone else had transmission issues with the 2020s?

⁷ Available at <https://www.ascentforums.com/threads/2020-ascent-transmission-issues.10744/#post-146380>

- Post #2 – Robert.Mauro – 4 mo ago
Not many 2020's with any issues of any sorts. If the parking pawl is having issues, since they don't repair the transmission there, you'll get another one.
- Post #3 – SA2020 – 4 mo ago
@GogglePnw 2020 Ascent Limited since Jan (about 12300 miles). I have had numerous oddities. Sure, some people here claim that the issues are normal or whatnot, but I have my doubts
 - 1) high RPMs going up hill (not even that steep). Will come back down but still, weird.
 - 2) a random "thunk" sometimes. Might be the torque converter, might not
 - 3) shuddering every once in a while. very rare and completely random. Sometimes so much so that I'm sure if I hit a rumble strip or something
 - 4) a single "chirp" when going from reverse to drive

g. 2020 Ascent Transmission shudder⁸

- Post #1 – SkiPro3 – 2 mo ago
Hey all,
I have a 2020 Ascent Premium with 15,000 miles on it purchased 1 year ago. It seems I've always noticed a slight shudder, like driving over the center dots or the road edge that is designed to wake a drive up when lightly using the throttle and a hill is approached. It's like I'm just too light on the throttle, the car tries to down shift and it's hunting between the downshift and the taller gear. I know these are CVT's but that's what I and my wife feel. It's slowly gotten worse, so when I took the car to the dealer about pulsing brakes, (they said rotors warped and replacing), they looked into it. They could not replicate the sensation, so they escalated to someone referred to as the

⁸ Available at <https://www.ascentforums.com/threads/2020-ascent-transmission-shudder.11118/#post-149605>

area rep. The rep called me and I described the sensation and exactly what local road areas this is most prevalent. He told me could check tomorrow and that if he couldn't get it to happen, I will meet him and demonstrate.

I know of the 2019 problems but I don't think I've heard of the 2020's with this problem. If anyone can shed light that I can pass along to the rep, that would be great!

- Post #2 – Robert.Mauro – 2 mo ago
At what speeds and RPMs do you notice this shudder?
- Post #3 – SkiPro3 – 2 mo ago
Two occasions;
Flat road at 55-60mph, as I start up a slight grade, keeping my foot steady on the throttle, not adding any, the transmission feels like it's trying to downshift, but then instantly upshifts again, repeat rapid-fire for a few seconds, then stops. RPM's slightly below 2K then downshift to around 22K, maybe 23K?
Second occasion is on a fairly steep uphill twisty narrow road at between 30 and 40 mph, steady throttle. Near the top of the hill, it gets real bad with hunting for the right gear.
I realize these don't have gears, but that's what it feels like. Not sure of the RPM's as I'm actively driving a narrow twisty road and don't check.
- Post #9 – MSCM – 2 mo ago
My 2020 Limited is starting to stutter as well – it happens most consistently on a stretch of road on the way home. When traveling around 40 mph with foot steady on the gas pedal – when it begins a gradual up hill & I give it some gas to maintain speed, it stutters.

I am also getting the clunk when shifting from reverse to drive (with car completely stopped, foot firmly on brake and I never remove my foot from the brake or give it gas in drive until the shift is complete).

Very disappointing – but that's what warranty is for.

Was planning a service visit in the near future for squealing brakes – I guess I will get them started with looking into the shuttering and clunking as well.

(edit) Should I wait until the squeally brakes and transmission issues are resolved before having them go at the right front clunk?

- Post #10 – HankyNanky14 – 2 mo ago
I just scheduled a service appointment for these issues. Braking above 60mph vibrates and shutters aggressively. I notice a lag in power as I try to accelerate at about 2,000rpm. I’ve also had a knocking noise in my rear passenger wheel well that I’ve heard since the day I bought the car but the dealership has not been able to identify the issue yet. Not sure if anyone else has noticed that noise. Hoping warranty will cover these issues.

h. 2021 Ascent ‘jerky’ on test drive⁹

- Post #1 – wombats33 – 1 mo ago

Hey guys,

I just test drove a ’21 Ascent Premium and felt the transmission was pretty jerky. Is this normal and I just need to spend more time getting used to how to drive it or could this be a car with transmission issues? I know that was a problem with the ‘19’s but I thought Subaru had taken care of that.

2) Edmunds.com

a. 2019 Subaru Ascent Reviews

⁹ Available on <https://www.ascentforums.com/threads/2021-ascent-%E2%80%98jerky%E2%80%99-on-test-drive.11350/#post-152367>

★★★★☆ Love the car but not the transmission

New Ascent Owner, 01/23/2019

Limited 7-Passenger 4dr SUV AWD (2.4L 4cyl Turbo CVT)

I ordered my Ascent in July 2018 and took delivery of it in mid-September. I love the car. It is comfortable, handles well and is great for my family of 4 plus friends/cargo/dogs or whatever else we need to drive around. Around mid-November, I started to notice the car shuttering at low speed in city traffic and within a few weeks after that, the shutter would be followed by a screeching that sounded like a cat. This happens nearly every time I drive, because I do mostly city driving. I took the car to the dealership in December, and they could not recreate the shutter/sound, so I took the car back and kept driving. Last week (mid-January 2019), we took the car back, and after nearly a week, they finally heard the sound and felt the shutter. Before that, the service department thought I was crazy. I'm not sure why it took them so long to discover that the problem was real. I believe they were just running diagnostics on the car, and this problem did not pop up in those computer diagnostics. I don't think they ever looked under the hood or checked any of the systems manually to see what the problem might be. Then, They called yesterday to tell me that, upon inspection after feeling the shutter and hearing the screeching, the entire transmission needs to be replaced. So that's great. My new car excitement definitely has worn off. This is our 3rd Subaru (plus my parents have had 4 or 5 of them), and the first time we've had any sort of mechanical problem. I was deciding between the Volkswagen Atlas and this car when we purchased, and I opted for the Ascent because of our excellent Subaru experiences to date. I'm starting to regret that decision. I hope the new transmission fixes the problem and that this doesn't recur.

★★★★☆ Transmission issues

Melissa, 01/19/2019

Premium 7-Passenger w/OP 14 4dr SUV AWD (2.4L 4cyl Turbo CVT)

82 of 83 people found this review helpful

We preordered our Ascent (3rd generation) Subaru owners for our expanding family. We maxed out of '16 Forester and needed a bigger family vehicle. We have '11 legacy that we love and have had no issues. The Ascent started making noises that we now realize is a skipping chain around 3000 miles. We brought it in once it continued and was annoying around 5700 for the oil change. Since then, the vehicle has been in 3 more times (2 times the dash lights came on and was stuck in low gear). Our dealership is working with us through the problems. They contacted Subaru of America and we're getting a new transmission. Until then, we have a loaner Ascent for the next week or 2. I'm hopeful that this will resolve the problem.

★★★★☆ **Very disappointing vehicle**

Mel K, 03/16/2019

Limited 8-Passenger w/OP 23 4dr SUV AWD (2.4L 4cyl Turbo CVT)

161 of 167 people found this review helpful

We had 3 Outbacks prior to purchasing the Ascent. Before ordering we did the usual test drive but, unfortunately, not long enough to realize the issues with steering and CVT stutter. We picked up our Ascent and proceeded to do 2 road trips totalling 6,000 in 3 months. During that time it became clear that there is an issue with many reporting the same thing: stuttering CVT transmissions and no road feel. Your driving along at highway speed and you feel this random lurch. The other issue that became apparent is the lack of road feel due to the electronic steering. Tried turning off lane keeping assist which helped slightly however the steering would suddenly feel as though it was driving itself with the wheels moving independently of my control. I took it to 2 different dealers during our trips and our local dealer when we got home because the steering issue was getting worse. Each time got the usual "everything checks out, its within specs". I hesitated before buying the first generation of the Ascent. I reasoned that Subaru has always been such a great vehicle. Having bought a 2015 Outback Ltd which was the first model to have eyesight, lane keeping, blind spot technology. Because I never had one problem with it I figured I'd be safe. This will be a great model eventually but Subaru needs to pay attention to what the dealers and blogs are reporting. I was not the first Ascent owner to report steering or CVT issues based on my conversations with the repair people. The upshot is that I traded it in for a 2019 Outback touring. I miss the room of the Ascent but not the gas mileage, steering or stuttering CVT. An aside: why can't they make the passenger seat on the more expensive models fully adjustable like the driver's seat.

★★★★☆ **Was great, now a lemon!**

Charisma Marin, 01/22/2021

Limited 4dr SUV AWD w/7-Passenger Technology Pkg (2.4L 4cyl Turbo CVT)

0 of 0 people found this review helpful

Over the past 6 months, the electrical and transmission issues have become a major issues. The car has been with the dealer more times than I can count. Two transmissions, battery, switches, and they still can't fix the issues. Approached Subaru about Lemon Law and they tried to trick me in to a trade in with a \$2,500 gift card. Having to file lemon law through the state. The radio resets, turns on and off at a whim, the touch screen freezes, the doors lock and wont unlock, dimmer lights flicker and then just turn off and will not work. Don't do it. The car was great until the issues started. But then, even Subaru can't fix it. I have heard only in the 2019 version.....

★★★★★ **Multiple transmission issues**

Dissatisfied Subaru Owner , 08/21/2020

Touring 4dr SUV AWD w/7-Passenger (2.4L 4cyl Turbo CVT)

0 of 0 people found this review helpful

I have been to the dealer 4 times for the transmission slipping and making screeching noises. They continue to deny there is an issue and says that how it's supposed to work. I finally got a Recall letter from Subaru corporation stating I can have one transmission replacement at no cost, but only once. The battery / electrical has also had issues where it completely drains the battery overnight even if everything is off due to the radio amp (this is what the dealer says). One really annoying thing is the keyless entry only opens the driver door unlike all doors on Toyota or other cars. Lastly the hands free and radio is horrible. The Bluetooth doesn't stay connected and every couple of months I lose all my radio station settings. I am counting the days my lease is up!

★★★★★ **Awful- do not buy**

Kailey , 12/08/2020

Limited 4dr SUV AWD w/7-Passenger (2.4L 4cyl Turbo CVT)

0 of 0 people found this review helpful

I was so excited to get this car, the value for the space in the car is wonderful. However every 20,000 miles my car's transmission dies. I get a new one in it- but it doesn't give me peace of mind to know it keeps happening. When my warranty expires I will always worry that it is a ticking time bomb of a car for a lot of money! I was planning on buying this lease out, but now I'll be running far away from the brand Subaru.

★★★★★ **Same thing happened as another owner said**

kwak, 07/20/2019

Limited 4dr SUV AWD w/8-Passenger Technology Pkg (2.4L 4cyl Turbo CVT)

0 of 0 people found this review helpful

I love the car, REALLY enjoy it, BUT as the other person wrote, "Within 1,500 miles we had the transmission jump and the RAB light, no eyesight, check engine, check transmission, check oil temp, check owner's manual errors. The dealer said nothing was wrong, that it was an error and nothing is out of spec. I don't feel safe driving this car waiting for the transmission to have another unexplained issue. Otherwise great features, but we definitely shouldn't have bought a new model. Subaru and the dealer said they can't do anything to help unfortunately, so we have to wait until lemon law or a recall happens."

Same thing happened to me, in addition the radio wiped clean out of any saved stations. I spoke to the dealership and they said if it wasn't currently happening they couldn't do anything for me. They did mention that if they plugged the car in to a machine and check if an issue "code" went off, but even if they saw that, there was probably nothing they could do. The service lady said she hadn't heard of anything happening like this and sometimes if you park too close to something it will send the eyesight into shut down. Turn car off and on a few times and everything will go back. My car was fine after a few on off times. But still, why did it happen anyway? Also the AC is terrible.

b. 2020 Subaru Ascent Reviews

★★★★☆ Great SUV except for low speed acceleration

John D, 06/02/2020

Touring 4dr SUV AWD w/7-Passenger (2.4L 4cyl Turbo CVT)

8 of 8 people found this review helpful

We purchased a Touring Edition in January 2020, but due to the corona virus situation, the SUV has accumulated less than 1,000 miles so far. My only complaint about this car is a hesitation that occurs when accelerating from a stop. When engine speed reaches approximately 2,000 rpm, there is a noticeable loss of power, and the car will no longer accelerate. This can be disturbing, especially if accelerating up an incline. Pressing the gas pedal will result in an immediate power surge and the car will leap ahead. My concern is that this hesitation problem will result in (a) another car rear - ending me, or (b) me rear-ending a vehicle I am following. I'm fairly certain the problem is caused by the simulated transmission shifts that Subaru has installed in response to earlier customer complaints regarding its CVT transmission. I have contacted both the dealer and a Subaru representative, and was told that no measures are being taken to address this situation. Other than this, I am finding the Ascent to be a very fine vehicle.

★★★★☆ Excellent SUV for Price

R. VandeNoord, 11/14/2019

Premium 4dr SUV AWD w/8-Passenger Convenience Pkg (2.4L 4cyl Turbo CVT)

13 of 17 people found this review helpful

I would agree with most reviews on the Accelerator being very touchy-either it leaps forward or stalls like a cheap 4 cylinder Asian rental car. The transmission also seems to not know what gear to be in when going up or down small hills. Both are issues that need to be resolved in future models. The mileage-ride and comfort are excellent and I especially like the interior quality and easy to use computer. Good value for money if the 2 significant issues of transmission and accelerator are fixed.

★★★★☆ **Could be great!**

Jason, 02/02/2020

Limited 4dr SUV AWD w/7-Passenger Technology Pkg (2.4L 4cyl Turbo CVT)

21 of 23 people found this review helpful

We love our Outback 3.6R Limited and have been thinking about and Ascent. The limited and touring are full of features other brands only offer at extreme top end pricing. The Ascent is fantastic on flat to even sloping ground but if you live up a narrow, winding, super steep road half way up a mountain with low speed limits do yourself a favor and drive the Ascent in such conditions before buying. I think the engine is fine with plenty of power. The CVT with its 8 programed shift points isn't happy in this condition. It keeps searching and kind of rolls or lurches through the shift points trying to find a happy place. The only way we could keep it happy is either driving too fast for the curves, staying on it, or to use the paddle shifters. I don't think you should have to do that. I'm older, I like to put a car in drive and just drive. Other than that the Ascent is fantastic, love all the features in the limited we had for a weekend test drive. Sure wish Subaru made its 3.6R 6 cylinder available in the Ascent, if they did it'd be the best mid-size 3 row around and I'd own one in a heartbeat!

★★★★☆ **So much potential but cannot recommend**

Driving MN, 10/30/2020

Touring 4dr SUV AWD w/7-Passenger (2.4L 4cyl Turbo CVT)

3 of 4 people found this review helpful

The Ascent has so much potential but fails to live up to it in many ways. Interior room is excellent as are the finishes and look. It checks all of the boxes for safety features, latest electronic options, and overall utility with the Subaru 4 wheel drive. It drives fairly well (just a tad soft) with excellent brakes and visibility. It all falls apart in the execution and some corners that were cut. Note that I am not a Subaru groupie, so part of the love of Subaru did not impact me. The issues start with the unrefined engine and transmission (CVT). The engine has a decent 0-60 time, but it is anything but smooth working with the CVT. The CVT likes to whine when cold and the engine sounds more like a blender. Subaru needed to put a modern 8 speed automatic or a V6 in the Ascent to live to its potential. The turbo 4 makes no sense since the gas mileage is very mediocre. I got 20 mpg where other V6 SUVs were getting 23-24. The Ascent also has a small gas tank, so you get around 300 miles and it is time to fill up again. Driving the Ascent is a bit like an arcade - it likes to beep at you for any number of reasons. Some of the beeps can be disabled and others cannot. The failure by Subaru is all the beeps sound the same, so you find yourself looking around to see which thing it is complaining about. The lane departure is very sensitive. Corners are but in the upgraded HK audio system and the seating. The upgraded system is worse than many base systems. The front seats are either too hard or they break in and are too soft. If you are on the heavier side (over 250lbs) and taller, make sure you drive the Ascent for a while and check the metal bar that crosses the front of the drivers seat. The ventilated seats make seat comfort worse and the seats sag. The steering wheel telescopes, but an extra couple of inches would make it perfect. The heated steering wheel is terrible as it only heats the bottom of the wheel. I really wanted to like the Ascent. Just too much obvious cost cutting in a \$47K SUV. Compare this to a Jeep Grand Cherokee and you will find the over quality/feel radically different. (The Grand Cherokee does not have the third row). The good news is you can usually find substantial discounts on the Ascent and resale is decent. There are just too many good SUVs out there to settle on the Ascent.

c. 2021 Subaru Ascent Reviews

★★★★☆ Fantastic engine, sketchy CVT

Joe Mama, 01/02/2021

Limited 4dr SUV AWD (2.4L 4cyl Turbo CVT)

2 of 2 people found this review helpful

Pros: 2.4L Turbo engine. A far less spartan interior than Subarus are known for. Great head and legroom. Mostly quiet ride. Limited on up trims provide a manual mode with paddle shifters. Definitely a must for slow speeds and stop and go traffic.

Cons: 20" wheels with 245/50 tires are harsh riding. A hesitant and indecisive CVT squanders the power band of the engine. Touchscreen is primitive, circa 2015. Annoying, too bright indicators for the compass and passenger airbags.

3) YouTube.com

- 2019 Subaru Ascent Transmission Problems – Oct 19, 2019



Kevin Harris
108 subscribers

SUBSCRIBE

Our 2019 Ascent with 8000 miles started having strange transmission issues while 3 hours from home! Car was built in August 2018 and it sounds like this has been happening with other Ascents built around this time.

SHOW LESS

<https://www.youtube.com/watch?v=OGSDqkkblfY>

- Subaru Ascent transmission problems – Sep 9, 2020



Hive of Five
370 subscribers

SUBSCRIBE

Our 2019 Subaru Ascents cvt trans has issues at 77000 miles.

<https://www.youtube.com/watch?v=TCIUBCZUhmU>

- 2019 Subaru Ascent Strange Noise Compilation – Sep 16, 2018



GarrettMakes
10 subscribers

SUBSCRIBE

This is a compilation of short video clips from the 2019 Subaru Ascent.

There is a weird "tock" sound and a "whirr" sound being heard by some Ascent owners and we are trying to figure out what might be causing the sounds. Please let me know in the comments what you think might be causing these issues.

This video is intended to try and help diagnose some of these strange noises heard while driving the 2019 Subaru Ascent.

SHOW LESS

<https://www.youtube.com/watch?v=TYQRMTVnmns>